

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	No: 2:12-CR-58
)	Greeneville, Tennessee
vs.)	October 18, 2012
)	2:18 p.m.
ANTHONY LAMONT SINGLETON,)	
)	
Defendant.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

KRISTIN E. SCHULTZ BURKE, LCR #247
MILLER & MILLER COURT REPORTERS
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1 APPEARANCES:

2 For the Plaintiff: CARYN L. HEBETS, ESQ.
3 United States Attorney
4 Department of Justice
5 220 Depot Street, Suite 423
6 Greeneville, Tennessee 37743

7 For the Defendant: JEFFREY D. JOHNSON, ESQ.
8 128 East Market Street
9 Johnson City, Tennessee 37604

10 Also Present:
11 Anthony Lamont Singleton
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1 This above-styled cause came to be heard on the
2 18th day of October, 2012, in the United States District
3 Court for the Eastern District of Tennessee, Northeastern
4 Division, the Honorable J. Ronnie Greer presiding.

5 THE COURT: Please call this case, Madam Clerk.

6 THE DEPUTY CLERK: This is USA vs. Anthony
7 Lamont Singleton, Case Number 2:12-CR-58.

8 Please raise your right hand.

9 Do you solemnly swear that you will true answer
10 make to the questions asked of you at this present inquiry
11 as you shall answer unto God?

12 MR. SINGLETON: I do, ma'am.

13 THE COURT: Mr. Singleton, before we begin, you
14 were brought into the courtroom right at the end of what
15 your attorney was saying to me. You will recall we were
16 here about a week ago and that Mr. Johnson did not appear
17 at that time. He was explaining to me that because of a
18 computer malfunction, he did not receive timely notice of
19 that hearing --

20 MR. SINGLETON: Yes.

21 THE COURT: -- and therefore was not here. I
22 trust he has explained that to you and that you understand
23 what happened at that time?

24 MR. SINGLETON: Yes, sir, I do.

25 THE COURT: All right. Mr. Singleton, you are

1 charged in a one-count Indictment in this case with being
2 a felon in possession of a firearm, it looks like a
3 firearm and ammunition, in violation of Title 18 United
4 States Code §922(g)(1). It appears from the record in
5 this case that you have now entered into a Plea Agreement
6 with the United States and I understand that pursuant to
7 the Plea Agreement you wish to change your plea this
8 afternoon to a plea of guilty as to the one-count
9 Indictment returned by the Grand Jury in this case.

10 Is that correct?

11 MR. SINGLETON: I do, sir.

12 THE COURT: Before I can accept that guilty
13 plea, there are several questions I need to ask you to
14 assure that your plea is a valid one. If you do not
15 understand any question, please ask me to explain it to
16 you, and you may confer with your attorney on any question
17 if you find it necessary to do so.

18 Do you understand that?

19 MR. SINGLETON: I do, sir.

20 THE COURT: Do you understand that you are now
21 under oath and that if you answer any of my questions
22 falsely, your answers may be used against you in another
23 criminal prosecution for perjury or for making a false
24 statement?

25 MR. SINGLETON: I do, sir.

1 THE COURT: How old are you, Mr. Singleton?

2 MR. SINGLETON: Thirty-seven.

3 THE COURT: What education do you have?

4 MR. SINGLETON: I've got a G.E.D.

5 THE COURT: Are you able to read and write
6 without difficulty?

7 MR. SINGLETON: Yes, sir.

8 THE COURT: Are you now being treated or have
9 you recently been treated for any mental illness or
10 addiction to narcotics drugs of any kind?

11 MR. SINGLETON: No, sir.

12 THE COURT: Have you taken any drugs, medicine,
13 pills or alcoholic beverage of any kind within the last 24
14 hours?

15 MR. SINGLETON: No, sir.

16 THE COURT: Is there anything about your mental
17 or your physical condition here today which would make it
18 difficult for you to think clearly, to understand these
19 proceedings or to make good decisions about your case?

20 MR. SINGLETON: No, sir.

21 THE COURT: Do you, in fact, understand what is
22 happening here this afternoon?

23 MR. SINGLETON: I do, sir.

24 THE COURT: Mr. Johnson, do you consider the
25 Defendant competent to enter this plea of guilty here

1 today?

2 MR. JOHNSON: Yes, Your Honor.

3 THE COURT: Mr. Singleton, have you received a
4 copy of the Indictment returned by the Grand Jury in this
5 case?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: Have you read the Indictment?

8 MR. SINGLETON: Yes, sir.

9 THE COURT: Have you had sufficient time to
10 discuss this case with your lawyer?

11 MR. SINGLETON: I have, sir.

12 THE COURT: Have you told your lawyer everything
13 you know about this case?

14 MR. SINGLETON: I have, sir.

15 THE COURT: Do you believe that your lawyer is
16 fully aware of all the facts upon which this charge is
17 based?

18 MR. SINGLETON: Yes, sir.

19 THE COURT: Has your lawyer advised you as to
20 the nature and meaning of the charge against you in this
21 case?

22 MR. SINGLETON: Yes, sir.

23 THE COURT: Has your attorney explained to you
24 the meaning of all words used in this Indictment about
25 which you had any question?

1 MR. SINGLETON: Yes, sir.

2 THE COURT: Has your attorney advised you as to
3 each and every element of this offense which the
4 Government must prove beyond a reasonable doubt before you
5 could be convicted of this offense?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: As I indicated, Mr. Singleton, the
8 Indictment returned by the Grand Jury in this case is a
9 one-count Indictment. You are charged in that one-count
10 Indictment as follows:

11 "The Grand Jury charges that on or about June
12 13, 2011, in the Eastern District of Tennessee, the
13 Defendant, Anthony Lamont Singleton, having been convicted
14 in a court of a crime punishable by imprisonment for a
15 term exceeding one year, did knowingly possess in commerce
16 and affecting commerce a firearm and ammunition, namely, a
17 Phoenix Arms Model Raven .25 caliber semi-automatic
18 pistol, a Winchester .25 auto caliber ammunition -- excuse
19 me. It doesn't say how much ammunition. It just says
20 "ammunition" -- and Remington .25 caliber auto caliber
21 ammunition, which had all been shipped and transported in
22 interstate commerce of violation of Title 18 United States
23 Code §922(g)(1) and 924(e)(1)."

24 Do you understand that is what you're charged
25 with in this one-count Indictment?

1 MR. SINGLETON: Yes, sir.

2 THE COURT: Do you understand that before you
3 could be convicted of the charge contained in this one
4 Indictment, the United States would be required to prove
5 beyond a reasonable doubt each of the following elements:
6 First, that you were convicted in any court of a crime
7 punishable by imprisonment for a term exceeding one year;
8 second, that you thereafter knowingly possessed the
9 firearm and the ammunition described in Count 1 of the
10 Indictment; and, third, that the firearm and ammunition
11 previously had been shipped or transported from one state
12 to another?

13 MR. SINGLETON: I do, sir.

14 THE COURT: Have you and your attorney discussed
15 any possible defenses you might have to this charge?

16 MR. SINGLETON: Yes, sir.

17 THE COURT: As I said earlier, Mr. Singleton, I
18 understand there is a Plea Agreement in this case. Have
19 you read this Plea Agreement?

20 MR. SINGLETON: I have, sir.

21 THE COURT: Has your attorney explained to you
22 all the terms and conditions of the Plea Agreement you
23 entered into with the Government?

24 MR. SINGLETON: Yes, sir.

25 THE COURT: Do you fully understand all the

1 terms and conditions of this agreement you made with the
2 Government?

3 MR. SINGLETON: Yes, sir.

4 THE COURT: Is this your signature on this Plea
5 Agreement filed with the Court as Document 18?

6 MR. SINGLETON: It is.

7 THE COURT: Are you satisfied with the way your
8 lawyer, Mr. Johnson, has represented you in this matter?

9 MR. SINGLETON: Yes, sir.

10 THE COURT: Mr. Johnson, are you satisfied that
11 Mr. Singleton understands this charge, the elements of the
12 offense charged, and the legal meaning of all words used
13 in this Indictment?

14 MR. JOHNSON: He does, Your Honor.

15 THE COURT: Mr. Singleton, by entering a plea of
16 guilty here today, you will waive or give up certain
17 rights that you have as a criminal defendant in this
18 matter. I need to ask you a series of questions to make
19 sure that you understand the rights you are giving up as
20 they relate to a trial by entering this guilty plea here
21 this afternoon.

22 First of all, do you understand that you
23 have a right to plead not guilty to any offense charged
24 against you and to persist in that not guilty plea?

25 MR. SINGLETON: Yes, sir.

1 THE COURT: Do you understand that you would
2 then have the right to a trial by jury?

3 MR. SINGLETON: Yes, sir.

4 THE COURT: Do you understand that during that
5 jury trial you would have the right to the assistance of
6 counsel for your defense, counsel appointed by the Court
7 and paid for by the Government, if you could not afford to
8 hire your own attorney?

9 MR. SINGLETON: Yes, sir.

10 THE COURT: Do you understand that during that
11 jury trial you would have the right to see and hear the
12 Government's witnesses against you and have those
13 witnesses cross-examined by your attorney in your defense?

14 MR. SINGLETON: Yes, sir.

15 THE COURT: Do you understand that you would
16 have the right on your own part not to testify at trial
17 unless you choose to do so in your own defense?

18 MR. SINGLETON: Yes, sir. I understand that.

19 THE COURT: And do you understand that you would
20 have the right to the issuance of subpoenas to compel the
21 attendance of witnesses, even unwilling witnesses, to
22 testify on your behalf at trial?

23 MR. SINGLETON: Yes, sir.

24 THE COURT: Very importantly, Mr. Singleton, do
25 you understand that by entering a plea of guilty here

1 today, if the plea is accepted by the Court, you will have
2 given up your right to a trial in this case --

3 MR. SINGLETON: Yes, sir.

4 THE COURT: -- and there will, in fact, be no
5 trial in your case?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: Do you understand that by entering a
8 plea of guilty you will not only given up your right to a
9 trial of any kind, but you will also be giving up your
10 right with respect to all these other rights associated
11 with a trial that I have just described to you?

12 MR. SINGLETON: Yes, sir.

13 THE COURT: Do you understand you will also be
14 giving up your right not to be compelled to incriminate
15 yourself?

16 MR. SINGLETON: Yes, sir.

17 THE COURT: Do you understand that you will be
18 giving up the right to require the United States to prove
19 you guilty beyond a reasonable doubt?

20 MR. SINGLETON: I do, sir.

21 THE COURT: Has any person, including an officer
22 or agent of the Government, put any pressure on you,
23 mentally or physically, to force you to plead guilty in
24 this case?

25 MR. SINGLETON: No, sir.

1 THE COURT: I'm aware, Mr. Singleton, that the
2 Government has made certain promises to you in this Plea
3 Agreement that you have entered into; but aside from any
4 promise contained in this Plea Agreement, has any officer
5 or agent of the Government promised you or suggested to
6 you that you will receive a lighter sentence or any other
7 form of leniency if you plead guilty?

8 MR. SINGLETON: No, sir.

9 THE COURT: What I'm really asking you,
10 Mr. Singleton, is whether or not any promise has been made
11 to you by the Government that is not reflected in this
12 Plea Agreement or the Supplement to the Plea Agreement?

13 MR. SINGLETON: Explain that to me.

14 THE COURT: I want to make sure, Mr. Singleton,
15 that all of your agreement with the Government has been
16 committed to writing --

17 MR. SINGLETON: Yes, sir.

18 THE COURT: -- and is reflected in either this
19 Plea Agreement or the supplement that has been filed?

20 MR. SINGLETON: Yes, sir. It is.

21 THE COURT: So my question to you is whether or
22 not there is any promise that has been made to you by an
23 agent or officer of the Government that is not reflected
24 in this Plea Agreement.

25 MR. SINGLETON: No, sir.

1 THE COURT: Once again, other than the promises
2 contained in the Plea Agreement, have any promises or
3 threats of any kind been made by anyone to induce you to
4 plead guilty in this case?

5 MR. SINGLETON: No, sir.

6 THE COURT: In other words, is it your free and
7 voluntary decision to enter this guilty plea here today?

8 MR. SINGLETON: It is, sir.

9 THE COURT: Mr. Singleton, I now state for the
10 record that the Court will review the Plea Agreement in
11 this case. I advise both you and counsel that I am not
12 required to accept this Plea Agreement and that I will
13 defer my decision on whether or not to accept or reject
14 your Plea Agreement until after I have received a
15 Presentence Report from the United States Probation
16 Office. However, if I do reject this Plea Agreement, you
17 will be so advised here in open court and you will be
18 permitted to withdraw your guilty plea.

19 Do you understand that?

20 MR. SINGLETON: I do, sir.

21 THE COURT: Mr. Singleton, one of the things I
22 have to do here this afternoon before I can accept this
23 guilty plea is to determine whether or not there is an
24 adequate factual basis for the guilty plea. In other
25 words, I need to determine that you have admitted

1 sufficient facts from which the Court can find that all
2 the elements of this offense have been established beyond
3 a reasonable doubt.

4 It appears that in an effort to provide the
5 required factual basis you have entered into a Stipulation
6 of Facts, which is contained in this Plea Agreement at
7 Paragraph 4 of the Plea Agreement.

8 Did you read Paragraph 4 of this Plea Agreement
9 very carefully?

10 MR. SINGLETON: Yes, sir.

11 THE COURT: Did you review the provisions in
12 Paragraph 4, that is, the Stipulation of Facts, carefully
13 with your attorney?

14 MR. SINGLETON: Yes, sir.

15 THE COURT: Do you agree with the Government's
16 summary or with the summary of what you did in this case
17 that is set out in Paragraph 4 of this Plea Agreement?

18 MR. SINGLETON: I do, sir.

19 THE COURT: Are all the facts contained in
20 Paragraph 4 of your Plea Agreement true?

21 MR. SINGLETON: Yes, sir.

22 THE COURT: Do you stipulate here today under
23 oath that the facts contained in Paragraph 4 of this Plea
24 Agreement are true and correct?

25 MR. SINGLETON: Yes, sir, they are.

1 THE COURT: I also note here, Mr. Singleton,
2 that Paragraph 4 of this Plea Agreement provides that the
3 stipulated facts do not necessarily constitute all of the
4 facts in this case.

5 Do you understand that?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: Do you understand that there may be
8 other facts relevant to sentencing which the Court will
9 consider at the time of your sentencing in this case?

10 MR. SINGLETON: I do.

11 THE COURT: All right. Mr. Singleton, how do
12 you plead then as to this one-count Indictment which
13 charges you with being a felon in possession of a firearm
14 and ammunition in violation of Title 18 United States Code
15 §922(g)?

16 Do you plead guilty or not guilty?

17 MR. SINGLETON: I plead guilty, sir.

18 THE COURT: Do you understand what it is you're
19 pleading guilty to?

20 MR. SINGLETON: I do, sir.

21 THE COURT: Are you offering to plead guilty to
22 this offense because you are, in fact, guilty of the
23 offense?

24 MR. SINGLETON: I am.

25 THE COURT: All right. Ms. Hebets, will the

1 Government please advise Mr. Singleton as to the maximum
2 possible penalty provided by the law for this offense?

3 MS. HEBETS: Yes, Your Honor.

4 If the Defendant is not determined to be an
5 armed career criminal, the maximum penalty is up to ten
6 years imprisonment, a \$250,000.00 fine, and up to three
7 years on supervised release, plus a \$100.00 special
8 assessment fee.

9 If the Defendant is determined to be an
10 armed career criminal, the punishment is a minimum of 15
11 years in prison, up to life imprisonment, a \$250,000.00
12 fine, up to five years on supervised release, and a \$100.00
13 special assessment fee.

14 THE COURT: Thank you, Ms. Hebets.

15 Now, Mr. Singleton, it appears that the maximum
16 sentence to which you are exposed in this case depends
17 upon whether or not you are an armed career criminal as
18 that term is defined in federal law. Title 18 United
19 States Code §924(e) provides that a person who commits a
20 violation of §922(g), that is, the felon in possession
21 statute, and who has three previous convictions by any
22 court for a violent felony or a serious drug offense or
23 both committed on occasions different from one another
24 shall be subject to a mandatory minimum term of at least
25 15 years of imprisonment and a maximum term of life

1 imprisonment. The statute defines the term "serious drug
2 offense" as an offense under the Controlled Substances
3 Act, that is, Title 21 United States Code §801 or the
4 sections that follow, which carries a maximum term of
5 imprisonment of ten years or more, or an offense under
6 state law involving the manufacturing, distributing or
7 possessing with intent to manufacture or distribute a
8 controlled substance for which a maximum term of
9 imprisonment of ten years or more is prescribed by state
10 law.

11 The term "violent felony" under the statute
12 means any crime punishable by imprisonment for a term
13 exceeding one year or any act of juvenile delinquency
14 involving the use or carrying of a firearm, knife or
15 destructive device that would be punishable by
16 imprisonment for such term if committed by an adult that
17 has as an element the use, attempted use or threatened use
18 of physical force against the person of another or is a
19 burglary, arson or extortion, involves the use of
20 explosives or otherwise involves conduct that presents a
21 serious potential risk of physical injury to another.

22 The short of all that is this, Mr. Singleton.
23 First of all, do you understand that if you are determined
24 not to be an armed career criminal, you will face a
25 maximum term of imprisonment in this case of ten years?

1 MR. SINGLETON: I do, sir.

2 THE COURT: If you are subsequently determined
3 to be an armed career criminal under the definitions that
4 I just gave you, do you understand that in that case you
5 face a mandatory minimum term of 15 years of imprisonment
6 up to a maximum term of life imprisonment?

7 MR. SINGLETON: I do.

8 THE COURT: Do you understand that the Court
9 cannot determine whether or not you are an armed career
10 criminal within the meaning of §924(e)(1) until after a
11 Presentence Report has been completed by the United States
12 Probation Office?

13 MR. SINGLETON: Yes, sir.

14 THE COURT: Do you understand that before I make
15 that determination, you will have an opportunity to object
16 to any conclusions that the probation officer reaches in
17 that respect?

18 MR. SINGLETON: Yes.

19 THE COURT: As I indicated, Mr. Singleton, if
20 you are determined to be an armed career criminal, you
21 will face a 15-year mandatory minimum term of imprisonment
22 in this case. In other words, this court because of the
23 statute will have no discretion other than to impose a
24 15-year non-parolable term of imprisonment in the case.

25 Do you understand that absent a Government

1 motion for downward departure or some other very
2 extraordinary circumstance in this case this court will
3 have no discretion to impose a sentence that is less than
4 the 15-year mandatory minimum sentence set by statute if
5 you are ultimately determined to be an armed career
6 criminal?

7 MR. SINGLETON: Yes, sir.

8 THE COURT: I know that you have discussed that
9 eventuality with Mr. Johnson, and I'm sure Mr. Johnson has
10 given you the best advice that he could give you with
11 respect to whether or not you qualify as an armed career
12 criminal; but do you understand that that decision is
13 ultimately one for this court not your lawyer to make?

14 MR. SINGLETON: Yes, sir.

15 THE COURT: With respect to whatever advice your
16 attorney may have given you on that point, do you
17 understand that this court is not bound by your attorney's
18 advice on that issue?

19 MR. SINGLETON: Yes, sir.

20 THE COURT: Do you understand that if you are
21 later determined to be an armed career criminal, that
22 will not be the basis for you being allowed to withdraw
23 this guilty plea?

24 MR. SINGLETON: Yes, sir.

25 THE COURT: Mr. Regalia also indicated to you

1 what the maximum fine in terms of supervised release were
2 and that you were subject to a \$100.00 mandatory
3 assessment, do you understand that is the maximum with
4 respect to the fine, the term of supervised release and
5 the assessment as well?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: Do you also understand that, in
8 appropriate cases, the Court must order restitution and
9 that certain of your property may be subject to forfeiture
10 because of this guilty plea?

11 MR. SINGLETON: Yes, sir.

12 THE COURT: If your plea is accepted,
13 Mr. Singleton, you will be adjudged of a felony and this
14 will cause you to lose certain valuable civil rights such
15 as the right to vote, the right to hold public office, the
16 right to serve on a jury, and the right to possess any
17 kind of firearm.

18 Knowing those additional penalties, do you still
19 want to plead guilty?

20 MR. SINGLETON: Yes, sir.

21 THE COURT: Mr. Regal -- I'm sorry. I started
22 to say Mr. Regalia. He has left.

23 Ms. Hebets, has this Defendant waived any appeal
24 rights or rights to file a §2255 motion in this Plea
25 Agreement?

1 MS. HEBETS: Yes, Your Honor. Those waivers are
2 in Paragraph 10 of the Plea Agreement.

3 THE COURT: All right. Thank you.

4 Mr. Singleton, it appears that in this Plea
5 Agreement, at Paragraph 10, you have waived certain rights
6 to file a direct appeal or to collaterally attack your
7 conviction or the resulting sentence in this case.

8 First of all, as a general matter, do you
9 understand that this Plea Agreement you have entered into
10 with the Government expressly waives certain rights to
11 appeal or to collaterally attack your conviction or the
12 sentence imposed in this case?

13 MR. SINGLETON: Yes, sir.

14 THE COURT: Did you read Paragraph 10 of this
15 Plea Agreement very carefully?

16 MR. SINGLETON: I did, sir.

17 THE COURT: Did you review Paragraph 10 of this
18 Plea Agreement carefully with your attorney?

19 MR. SINGLETON: Yes, sir.

20 THE COURT: Have you and your attorney fully
21 discussed these waivers of your rights to appeal and your
22 right to collaterally attack your conviction or resulting
23 sentence in this case?

24 MR. SINGLETON: Yes, sir.

25 THE COURT: Is there an issue, Mr. Johnson?

1 Mr. Johnson, is there an issue?

2 MR. JOHNSON: No, Your Honor. I was asking him
3 one question concerning the armed career criminal status.

4 THE COURT: All right.

5 Mr. Singleton, you told me that you have read
6 these waivers and that you have reviewed them carefully
7 with your attorney. Let me make sure more specifically
8 that you understand what you have waived here.

9 With respect to your right to file a direct
10 appeal, Paragraph 10 of this Plea Agreement provides that
11 you agree not to file a direct appeal except in the
12 situation where this court imposes a sentence above the
13 guideline range as determined by the District Court or
14 above any mandatory minimum sentence deemed applicable by
15 the District Court, whichever is greater.

16 Do you understand that?

17 MR. SINGLETON: Yes, sir.

18 THE COURT: Do you understand that that means
19 that at some point later in these proceedings after I have
20 received a Presentence Report from the probation office, I
21 will determine the guideline range which applies to this
22 case, and this appellate waiver, that is, this waiver of
23 your right to file a direct appeal, will apply unless I
24 impose a sentence above that guideline range or above the
25 mandatory minimum, which could be 15 years, whichever one

1 applies in this case?

2 Do you understand that?

3 MR. SINGLETON: Yes, sir.

4 THE COURT: Let me make sure one other thing.

5 It appears to me that with that language, that you also
6 waive your right to challenge this Court's determination
7 about whether or not you are an armed career criminal.

8 Do you understand that?

9 MR. SINGLETON: (No audible response.)

10 THE COURT: All right. Mr. Singleton, let me
11 make sure you understand this process. One of the things
12 I will do at the end of this hearing today is to direct
13 the probation office to prepare a Presentence Report.

14 MR. SINGLETON: Yes, sir.

15 THE COURT: Among other things, they will gather
16 information for the Court about your prior criminal
17 record.

18 MR. SINGLETON: Uh-huh.

19 THE COURT: The probation office will make a
20 preliminary determination about whether or not you, in
21 fact, have three prior convictions for either a violent
22 felony or a serious drug offenses as I have indicated to
23 you.

24 MR. SINGLETON: Right.

25 THE COURT: Depending upon what that

1 determination is, for instance, if the probation office
2 decides you are, in fact, an armed career criminal, you
3 will have an opportunity to challenge that or object to
4 it.

5 Do you understand that?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: Ultimately, this court will make a
8 determination about whether or not you are an armed career
9 criminal and therefore whether the mandatory minimum
10 applies.

11 Do you understand that you are waiving your
12 right to appeal this Court's decision on that issue?

13 MR. SINGLETON: Yes, sir.

14 THE COURT: Mr. Singleton, under the Sentencing
15 Reform Act of 1984, the United States Sentencing
16 Commission has issued sentencing guidelines for judges to
17 consider in determining sentencing in criminal cases. Use
18 of these sentencing guidelines is no longer mandatory.
19 They are advisory sentencing guidelines only. However,
20 your advisory guideline sentencing range is one of the
21 factors which this court must consider in determining an
22 appropriate sentence in your case.

23 Have you and your attorney talked about how
24 these advisory guidelines might apply in your case?

25 MR. SINGLETON: Yes, sir.

1 THE COURT: Do you understand that the Court
2 cannot determine the advisory guideline sentencing range
3 which applies to your case and therefore determine an
4 appropriate sentence in the case until after a Presentence
5 Report has been completed by the United States Probation
6 Office and both you and the Government have had an
7 opportunity to object to or to challenge any of the
8 contents of that report?

9 MR. SINGLETON: Yes, sir.

10 THE COURT: In addition to your advisory
11 guideline sentencing range, there are also a number of
12 other factors which federal law requires the Court to
13 consider before determining an appropriate sentence in
14 this case. Those other factors are set out at Title 18
15 United States Code §3553(a) and they include the nature
16 and circumstances of the offense; your history and
17 characteristics; the need for the sentence imposed to
18 reflect the seriousness of the offense; to promote respect
19 for the law; to provide just punishment for the offense;
20 to afford adequate deterrence to criminal conduct; to
21 protect the public from further crimes that you might
22 commit; to provide you with needed educational or
23 vocational training, medical care or other correctional
24 treatment in the most effective manner; the kinds of
25 sentences available; any pertinent policy statements

1 issued by the Sentencing Commission; the need to avoid
2 unwarranted sentence disparities among defendants with
3 similar records who have been found guilty of similar
4 conduct; and the need, if any, to provide restitution to
5 any victims of the offense.

6 Do you understand that this court will
7 consider all of those statutory factors as well as other
8 information relevant to sentencing which is called to the
9 Court's attention by either your attorney or by the United
10 States' attorney before deciding on an appropriate sentence
11 in this case?

12 MR. SINGLETON: Yes, sir.

13 THE COURT: Do you also understand that even
14 after it has been determined what advisory guideline
15 sentencing range applies to this case, the Court has the
16 authority to impose a sentence that may be more severe
17 than the sentence called for in the advisory guidelines?

18 MR. SINGLETON: Yes, sir.

19 THE COURT: In other words, Mr. Singleton, do
20 you understand that if you are determined not to be an
21 armed career criminal, this court has the authority,
22 regardless of what sentence might be suggested by the
23 advisory guidelines, to impose a ten-year term of
24 imprisonment in the case?

25 MR. SINGLETON: Yes, sir.

1 THE COURT: And if you are determined to be an
2 armed career criminal, do you understand that in that
3 circumstance, again, regardless of what the advisory
4 guidelines might suggest, this court has the authority to
5 impose a life term of imprisonment?

6 MR. SINGLETON: Yes, sir.

7 THE COURT: Understanding all of that, do you
8 still want to plead guilty here this afternoon?

9 MR. SINGLETON: Yes, sir.

10 THE COURT: Do you also understand that under
11 some circumstances, you, subject, of course, to these
12 waivers you have agreed to in this Plea Agreement, or the
13 Government may have the right to appeal any sentence that
14 is ultimately imposed in the case?

15 MR. SINGLETON: Yes, sir.

16 THE COURT: Mr. Johnson, have you made any
17 representation to the Defendant as to what sentence the
18 Court might impose in this case other than to give him an
19 estimate as to his advisory guideline sentencing range and
20 to discuss with him the possible applicability of the
21 15-year mandatory minimum sentence if he is determined to
22 be an armed career criminal?

23 MR. JOHNSON: No, Your Honor.

24 THE COURT: Mr. Singleton, with respect to
25 either of those subjects, do you understand, first of all,

1 that your attorney is simply giving you his estimate as to
2 those matters?

3 MR. SINGLETON: Yes, sir.

4 THE COURT: In other words, he is estimating for
5 you what your advisory guideline range might be and he is
6 also giving you his best estimate as to whether or not you
7 are an armed career criminal?

8 MR. SINGLETON: Yes, sir.

9 THE COURT: And do you understand that this
10 court is not bound by your attorney's conclusion as to
11 either of those matters?

12 MR. SINGLETON: Yes, sir.

13 THE COURT: All right. The Court has observed
14 the appearance of Mr. Singleton and his responsiveness to
15 the Court's questions. Based upon these observations and
16 his answers to the Court's questions, the Court finds that
17 the Defendant is in full possession of his faculties and
18 is competent to plead guilty; that he is not under the
19 apparent influence of narcotics, other drugs or alcohol;
20 that he knowingly waives his constitutional rights to
21 trial and the other rights accorded to persons accused of
22 crime; that he understands the nature of the charge to
23 which the plea is offered and the maximum penalty provided
24 by law for this offense; and that he has offered to plead
25 guilty knowingly and voluntarily.

1 Accordingly, Mr. Singleton, your plea of guilty
2 will be accepted and you are hereby adjudged guilty of
3 this one-count Indictment which charges you with being a
4 felon in possession of a firearm and ammunition in
5 violation of Title 18 United States Code §922(g).

6 Counsel, can we also set this sentencing hearing
7 for April 15th at 1:30?

8 MR. JOHNSON: Is that April 15th, Your Honor?

9 THE COURT: Yes, Mr. Johnson.

10 MR. JOHNSON: Thank you.

11 THE COURT: All right. Mr. Singleton, I will
12 schedule a sentencing hearing here for April 15, 2013 at
13 1:30 p.m. here in this courtroom. I will order the
14 preparation of the Presentence Report we have discussed.
15 A probation officer will contact you shortly for an
16 interview that gets that process started.

17 It appears from the record in this case that
18 Mr. Singleton was previously detained by order of the
19 Magistrate Judge because he is serving a State term of
20 incarceration.

21 I assume, Mr. Johnson, that is still the case?

22 MR. JOHNSON: Yes, sir.

23 THE COURT: For that same reason, Mr. Singleton,
24 I will order your continued detention in the custody of
25 the United States Marshal pending further proceedings in

1 the case and you will be remanded to the Marshal's
2 custody.

3 MR. SINGLETON: Okay.

4 THE COURT: Thank you all very much.

5 MR. JOHNSON: Thank you.

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7 (End of proceedings.)

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C E R T I F I C A T E

STATE OF TENNESSEE)


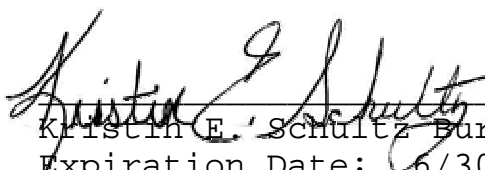
COUNTY OF GREENE)

I, KRISTIN E. SCHULTZ BURKE, LCR #247, Court Reporter and Notary Public, in and for the State of Tennessee, do hereby certify that the above proceedings were reported by me, transcribed by me, and that the foregoing 31 pages of the transcript is a true and accurate record to the best of my knowledge, skills and ability.

I further certify that I am neither of kin nor of counsel to any of the parties nor in anywise financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 20th day of November, 2013.



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